

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CASE NO. 3:18-CR-97**
: :
: **v.** : **(Judge Mariani)**
: :
ROSS ROGGIO :
Defendant : **(electronically filed)**

MOTION FOR REVOCATION OF THE DETENTION ORDER

Now comes the Defendant, Ross Roggio, by his attorney, Gino Bartolai, Esquire, and files the following Motion for Revocation of the Detention Order and in support thereof avers the following:

1. On March 20, 2018, Roggio was charged in an Indictment with conspiracy to commit an offense against the United States, in violation of Title 18, United States Code, Section 371; violations of the Arms Export Control Act, Title 22, United States Code, Sections 2778(b) and (c); and the International Emergency Powers Act, Title 50, United States Code, Sections 1702 and 1705(c); smuggling goods from the United States, in violation of Title 18 United States Code Sections 554 and 2; wire fraud, in violation of Title 18, United States Code Section 1342; and money laundering, in violation of Title 18 United States Code, Sections 1956(a)(2)(A) and 2.

2. On March 23, 2018, Roggio appeared before Magistrate Judge Karoline Mehalchick for an initial appearance and arraignment and entered a plea of not guilty to the charges. At that time Roggio was detained pending an inspection of the home location and consideration of the viability of electronic monitoring by pretrial services. (Doc. 10)

3. On April 2, 2018, Magistrate Judge Karoline Mehalchick issued an Order Setting Conditions of Release. (Doc. 13) On April 3, 2018, Roggio was released subject to Home Detention and Location Monitoring.

4. On May 25, 2018, Roggio filed an unopposed Motion to Modify the Conditions of Release seeking to eliminate the conditions of Home Detention and Location Monitoring. (Doc. 25) That day this Honorable Court granted the motion. (Doc. 26).

5. Roggio had been released on pretrial services supervision from April 3, 2018, to February 17, 2022, a period of over 46 months and has abided by the conditions of his release and has appeared for every Court proceeding. Indeed, On February 17, 2022, he was taken into custody on a sealed Superseding Indictment after reporting, in person, to United States Probation Office in Scranton.

6. On February 15, 2022, Roggio was charged in a Superseding Indictment with two additional charges; Conspiracy to Commit Torture in violation of Title 18, U.S.C. Sections 2340 and 2340A (c), and Torture in violation of Title 18,

U.S.C. Sections 2340, 2340(A)(a) and 2.

7. On February 17, 2022, Roggio was arraigned before Magistrate Judge Joseph F. Saporito on the Superseding Indictment and entered a plea of not guilty. Trial is scheduled in the matter for June 27, 2022.

8. On February 17, 2022, a detention hearing was held before Magistrate Judge Joseph F. Saporito. At the detention hearing Roggio submitted a release plan consistent with the conditions of release previously imposed. Also, Roggio was, and is, willing to accept the more restrictive conditions of Home Detention and Location Monitoring. Nevertheless, Magistrate Judge Saporito found by clear and convincing evidence that no conditions or combination of conditions would reasonably assure the safety of any other person and the community. Judge Saporito ordered Roggio detained and based his decision on his findings that the charges contained in the Superseding Indictment are crimes of violence, that the weight of the evidence against the defendant is strong, and that Roggio is subject to a lengthy period of incarceration if convicted. (Doc. 134).

9. Pursuant to Section 3145(b) of the Bail Reform Act, Title 18, U.S.C. § 3141 et. seq., Roggio is moving for the Revocation of the Detention Order issued on February 17, 2022, for the following reasons:

- A. Roggio is 53 year old United States Citizen.
- B. Roggio is a veteran, having served in the United States Army and

having received a General Discharge under Honorable Conditions.

- C. Roggio is a High School Graduate and has attended several colleges and universities.
- D. Roggio has no prior criminal record.
- E. Roggio has two minor children who live with their mother. Roggio maintains regular contact with these children.
- F. Roggio lives with, and cares for, his elderly parents at the family residence in Stroudsburg, Pennsylvania.
- G. Roggio's mother, Soon Roggio, is willing to act as a Third-Party Custodian for her son.
- H. Roggio has strong ties to the Middle District of Pennsylvania, having lived here for the past 12 years. Attached hereto as Exhibits 1-4 are letters from members of the community which attest to Roggio's character.
- I. Roggio has previously surrendered his passport to Pretrial Services.
- J. Roggio has been released on pretrial services for the past 46 months and has always abided by the conditions of his release and appeared for Court as directed. Indeed, on February 17, 2022, Roggio was arrested on the sealed Superseding Indictment when he appeared, in person, as directed, to the United States Probation Office in Scranton.
- K. The charges contained in the Superseding Indictment, while serious, are alleged to have occurred prior to Roggio being released on conditions on the first Indictment which also contained serious charges. According to a Press Release issued by the Department of Justice, Roggio faced 705 years imprisonment if convicted on the first Indictment.
- L. Roggio is presumed innocent. He has no history of violence or

failure to appear for Court.

WHEREFORE, the Defendant, Ross Roggio, respectfully requests that this Honorable Court release him pursuant to any conditions that the Court or the United States Pretrial Services deems necessary or appropriate.

Respectfully submitted,

Date: February 27, 2022

s/Gino Bartolai, Esquire
Gino Bartolai, Esquire
Attorney ID# PA 56642

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Attorney for Ross Roggio

CERTIFICATE OF NON-CONCURRENCE

I, Gino Bartolai, Esquire, certify that on this date I contacted Todd. K. Hinkley, Assistant United States Attorney, who advised that he does not concur in the within **Motion for Revocation of the Detention Order**.

Date: February 27, 2022

s/Gino Bartolai
Gino Bartolai, Esquire

CERTIFICATE OF SERVICE

I, Gino Bartolai, Esquire, do hereby certify that I electronically served, via e-mail, a copy of the foregoing **Motion for Revocation of the Detention Order**, to the following

Todd K. Hinkley, Esquire
Assistant United States Attorney

and by placing the same in the United States mail, first class, postage prepaid, at Scranton, Pennsylvania, addressed to the following:

Ross Roggio

Date: February 27, 2022

s/Gino Bartolai
Gino Bartolai, Esquire